

## Overview – How to Get a Bond

### **General Information:**

The Court will sometimes order a party in a civil action to obtain and file a bond. For example, in a replevin case the Court may order that one of the parties, generally the one who wishes to retain the personal property which is the subject of the dispute, procure a bond in an amount of double the value of the property in order to retain, or obtain, the property involved. The law sometimes refers to this as a “written undertaking”.

A bond in this instance is obtained by an insurance company. The amount of the bond will be set by a court order, however where the bond is obtained (meaning what insurance company is used) will be up to the party getting the bond. The process for actually obtaining the bond will be determined by the insurance company involved, the court plays no role in this process.

What is a Bond? A bond is a document provided by an insurance company which effectively guarantees payment should the person who obtained the bond misappropriate funds or property, or engage in some form of inappropriate activity.

The insurance company will likely want to know about your personal financial circumstances in order to issue a bond. You should have a copy of your court filings and the court order in the event that the insurance company requires these documents. Again, this will be determined by the insurance company. There will be a fee involved as well. The amount/type of information required as well as the fee will be determined by the insurance company.

As it can take time for the insurance company to review your information and issue a bond, you should not delay in your effort to obtain the bond required by the Court. If it is going to take an extensive amount of time, you should file a pleading with the court advising of this fact. If you are unable to obtain the required bond, you must advise the Court of this fact in a written pleading.

### **For Further Information:**

If you have questions, please contact the Information Center at 1-855-212-1234.